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September 30, 2011

VIA ELECTRONIC FILING

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: CC Docket No. 01-92; WC Docket Nos. 05-337, 07-135, 10-90 and GN Docket No. 09-51

Dear Ms. Dortch:

On September 21, 2011, Cox Communications, Inc. made an *ex parte* submission concerning, among other things, a decision from the United States District Court for the District of Connecticut in case No. 3:09-cv01787 that addressed certain legal and policy issues related to local tandem transit service. Cox indicated in its submission that the Connecticut district court's decision has not been appealed. In fact, that decision has been appealed to the United States Court of Appeals for the Second Circuit by The Southern New England Telephone Company d/b/a AT&T Connecticut ("AT&T"). Neutral Tandem, Inc. ("Neutral Tandem"), which participated in proceedings before the district court as *amicus curiae*, has filed a motion seeking leave to participate as *amicus curiae* in the Second Circuit.

Copies of AT&T's opening brief, as well as Neutral Tandem's proposed *amicus curiae* brief, are attached.¹ Those briefs provide a detailed explanation of what AT&T and Neutral Tandem believe are the errors committed by the district court, as well as the errors committed by the Connecticut Department of Public Utility Control in the order which the district court reviewed. As pointed out in those briefs, at least one federal district court has reached the opposite result from the federal district court decisions in Connecticut and Nebraska. (*See* AT&T's Br., at 26-27; Neutral Tandem's Br., at 14 n.4.)

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "John R. Harrington", is written over the typed name.

John R. Harrington

Encl.

¹ Portions of Neutral Tandem's brief are redacted, as they contain confidential information exchanged during proceedings before the Connecticut state commission.